

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DEANDRE D. DIXON,

Petitioner, : Case No.3:20-cv-383

- vs -

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

CHAE HARRIS, Warden,
Lebanon Correctional Institution,

:
Respondent.

ORDER STRIKING UNTIMELY OBJECTIONS

This habeas corpus case is before the Court on Petitioner's Objections (ECF No. 13) to the Magistrate Judge's Supplemental Report and Recommendations recommending on recommittal that the Petition be dismissed (ECF No. 10).

The Supplemental Report was filed November 16, 2020, and mailed to Petitioner the same day. On December 1, 2020, Petitioner requested and received an extension of time to object to December 8, 2020 (ECF Nos. 11 & 12). Petitioner claims in his Objections that they were mailed on December 7, 2020 (ECF No. 13, PageID 72). However, an examination of the postmark shows they were not mailed until December 17, 2020. *Id.* at PageID 78. Under the mailbox rule, a prisoner's filing is completed when mailed, but the instant Objections were not mailed until nine days after they were due.

Petitioner's Objections (ECF No. 13) are therefore STRICKEN.

December 29, 2020.

s/ Michael R. Merz
United States Magistrate Judge